

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Seifert, a Law Enforcement Agent with the United States Customs and Border Protection, United States Border Patrol, Detroit Sector Intelligence Unit hereinafter referred to as Affiant, being duly sworn, deposes and states:

INTRODUCTION

1. Affiant makes this affidavit in support of a criminal complaint and arrest warrant. This affidavit is made based on my own personal knowledge and derived from credible law enforcement sources. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
2. Based on the information set forth below, Affiant believes Guillermo Alexander CRUZ-GUERRERO is a national and citizen of the Dominican Republic and is currently Lawfully Admitted Permanent Resident of the United States. Affiant believes there is probable cause that CRUZ-GUERRERO is an impostor using without lawful authority the identity of a United States Citizen named D.V.F., and has violated the following federal criminal laws: Title 18, United States Code, Section 911 (False personation of a United States citizen), 1015(e) (False statement or claim of citizenship to obtain a federal or state benefit), and 1028A (Aggravated identity theft).

TRAINING AND EXPERIENCE

3. Affiant has been a law enforcement agent of the Department of Homeland Security, United States Customs and Border Protection, United States Border Patrol since March of 2010. Affiant has over nine (9) years of specialized law enforcement training and experience to include, but not limited to, the detection and apprehension of undocumented foreign nationals, the detection and investigation of the sale/use of fraudulent documents and the apprehension of fraudulent document users (imposters), and the detection and interdiction of narcotics and human smugglers/traffickers and other criminal individuals. Affiant has been trained in the laws of search and seizure at the United States Border Patrol Academy in Artesia, New Mexico and has received subsequent training in the utilization, preparation, and execution of search and seizure warrants as a member of a multi-jurisdictional narcotics taskforce.
4. Affiant has approximately two (2) years of experience investigating the manufacture, distribution, and use of controlled substances while being a member of a multi-jurisdictional narcotics taskforce known as the Upper Peninsula Substance Enforcement Team (UPSET). Affiant has conducted or participated in approximately 200 controlled substance investigations as a member of UPSET.

Affiant has utilized informants and undercover officers to conduct the controlled purchases of narcotics, conducted surveillance, interviewed both witnesses and suspects, executed felony arrests, and drafted / executed search warrants and other court orders which resulted in the seizure of dangerous drugs, and the records, books, and proceeds derived from illicit activity.

5. Affiant has approximately one (1) year experience as a member of the Field Intelligence Unit at the Sandusky Bay Border Patrol Station in Port Clinton, Ohio, with the purpose of conducting intelligence driven operations/investigations. Affiant has interviewed, witnessed the interview of, and participated in the debriefing of numerous illegal aliens that have claimed they have purchased fraudulently obtained, altered, or counterfeit documents. Through this experience your affiant has in depth knowledge concerning the trade of fraudulent documents. Affiant has investigated both criminal and administrative violations of law pertaining to immigration, and identity theft.
6. Affiant is currently assigned to the Detroit Sector Intelligence Unit (SIU) as an Intelligence Agent with the purpose of collecting, analyzing, and disseminating current intelligence information through the production of intelligence products. Affiant conducts / supports intelligence driven and targeted enforcement operations / investigations. Affiant has conducted or participated in numerous identity fraud investigations regarding foreign nationals utilizing the identities of United States Citizens in violation of federal law.

PROBABLE CAUSE

A. Case Initiation

7. On July 01, 2019, Ohio Bureau of Motor Vehicle (OH BMV) Investigator Jeremy Dunaway submitted a request for assistance to the United States Border Patrol (USBP) Detroit Sector Intelligence Unit (DTM SIU) regarding the identification of an identity fraud suspect. Investigator Dunaway advised that he identified a group of suspects utilizing United States Citizen (USC) identities from Puerto Rico to obtain Ohio driver licenses and purchase high end vehicles / watercraft. Investigator Dunaway advised the criminal activity is connected to New Jersey.
8. In July 2019, coordination efforts with the OH BMV, DTM SIU, USBP Ramey Sector Intelligence Unit (RMY SIU), Elyria Police Department Investigative Unit (Elyria PD IU), and New Jersey Attorney General's Office led to the identification of five suspects involved in fraudulently obtaining Ohio driver licenses under the identities of USCs. Investigator Dunaway believed that one of these subjects had fraudulently obtained an Ohio State issued driver license under D.V.F.'s name and driver license number (DLN) VA590110.

B. Arrest of Guillermo CRUZ-GUERRERO and LABRADOR-ORTIZ

9. On July 17, 2019 at approximately 1900 hours, a man known to Johnny K's Powersports employees as D.V.F., attempted to purchase two (2) Sea-Doo jet skis in D.V.F.'S name.

[Note: The subject known the Johnny K's employees as D.V.F. was later identified as Guillermo Alexander CRUZ-GUERRERO, and will hereinafter be identified as CRUZ-GUERRERO for the remainder of this affidavit].

- a. Johnny K's employees spoke with CRUZ-GUERRERO and determined that there was something suspicious about the potential transaction. CRUZ-GUERRERO did not attempt to negotiate the price, was not going to place a down payment, and was adamant about leaving with the jet skis that night as quickly as possible.
- b. CRUZ-GUERRERO presented Ohio driver license VA590110 to Johnny K's employees. Johnny K's employees scanned the driver's license, and reviewed the paperwork he completed requesting a \$40,702 loan through Northwest Bank for two (2) 2019 Sea Doo GTX LTD300 jet skis and accessories.
- c. Johnny K's financial manager ran a credit check on CRUZ-GUERRERO under D.V.F.'s name, and sent the appropriate information to Northwest Bank. Northwest Bank responded to the credit inquiry with a notice that there was fraudulent behavior on the credit check, and that the status of the loan was denied. The note also advised Johnny K's to contact a Northwest Financial Analyst regarding suspected fraud.
- d. Johnny K's floor manager advised CRUZ-GUERRERO that the bank was closed, and that Johnny K's was unable to process to the application or credit check at that time. Johnny K's financial manager advised CRUZ-GUERRERO to return the following day to complete the transaction.
- e. CRUZ-GUERRERO's paperwork requesting the loan from Northwest Bank listed an employer of Villafuerte Landscaping, and an email address villafuertelandscaping@gmail.com. During further research of CRUZ-GUERRERO's application information, Johnny K's determined that both the business and email address were not legitimate.
- f. The address listed on Ohio driver license VA590110 is listed as 11843 Lake Ave APT 1, Lakewood, 44107. Johnny K's financial manager learned that another fraudulent purchase was made under a different name at Johnny K's a few months prior utilizing that same address. The previous fraudulent purchase was a complete loss for Johnny K's as they had to pay the bank back the full amount of the loan. The amount of the purchase was approximately \$20,000. In addition to the second fraudulent purchase, the Elyria PD IU investigation revealed a third fraudulent

transaction at the Johnny K's Powersports in Niles, OH for approximately \$42,000 under a third name and set of personal identifiers.

[Note: Both of these fraudulent transactions were completed by suspects identified during coordination efforts listed in paragraph 8.]

10. On July 18, 2019, the Elyria Police Department responded to Johnny K's Powersports at Midway Mall in Elyria, Ohio in regards to the information listed in paragraphs 9a through 9f. The Elyria PD IU initiated and conducted an investigation into this matter.

- a. The Elyria PD IU made contact with OH BMV Investigator Dunaway in regards to CRUZ-GUERRERO utilizing the name of D.V.F. Investigator Dunaway advised that CRUZ-GUERRERO, known to Investigator Dunaway as D.V.F., was part of a group of people obtaining Ohio State issued driver license's by presenting fraudulent Puerto Rican identity documents to the OH BMV. Members of this group would continue their illicit activity by purchasing high end vehicles and watercraft under the assumed identity. Investigator Dunaway advised that the Ohio driver license presented to Johnny K's (DNL VA590110) is fraudulent due to it being obtained with a fraudulent Puerto Rican identification card.
- b. Johnny K's staff advised Elyria PD IU Detectives that CRUZ-GUERRERO was expected to return to Johnny K's to complete the purchase started the night before of the two (2) Sea-Doo jet skis.
- c. At approximately 1345 hours, CRUZ-GUERRERO returned to Johnny K's to complete his purchase of the watercraft under D.V.F.'s name and take possession of the same. CRUZ-GUERRERO completed all of the necessary paperwork, including signatures, with the Johnny K's financial manager as if he was making a true purchase from Johnny K's. Immediately after completing all of the necessary paperwork, Detectives from the Elyria PD IU made contact with and arrested CRUZ-GUERRERO for attempted theft and identity fraud.
- d. CRUZ-GUERRERO was in possession of one fraudulent social security card, one Ohio State issued driver license (DNL: VA590110), and one fraudulent Puerto Rico driver license (DNL: 2367545) bearing the name and personal identifiers of D.V.F.
- e. Johnny K's advised Elyria PD IU Detectives of a second individual waiting outside for CRUZ-GUERRERO in a white Jeep Wrangler. Detectives approached this second individual in the parking lot and he attempted to drive away. Elyria Police Department conducted a traffic stop of the white Jeep Wrangler. The driver identified himself as Ricardo

LABRADOR via a Puerto Rico driver license. Detectives subsequently took LABRADOR-ORTIZ into custody as part of the fraud investigation.

[Note: LABRADOR-ORTIZ is one of the five suspects identified during coordination efforts listed in paragraph 8.]

C. Identification of CRUZ-GUERRERO

11. On July 18, 2019, Federal Bureau of Investigation (FBI) Special Agent (SA) Casey Carty fingerprinted both CRUZ-GUERRERO and LABRADOR-ORTIZ in an attempt to achieve a positive identification on both subjects. Based on this biometric search, CRUZ-GUERRERO was positively identified as Guillermo Alex CRUZ-GUERRERO (DOB: 11/15/1981, FBI: 947441DC8, SID: MA09841466/TX07271683).

[Note: This record return included multiple alias names and personal identifiers previously utilized by CRUZ-GUERRERO.]
12. Records checks obtained from this biometric search included previous photographs of “Guillermo GUERRERO,” to include tattoos. The Elyria PD IU and SA Carty matched the tattoo on CRUZ-GUERRERO’s right arm with the tattoos from the records checks. The tattoo on CRUZ-GUERRERO’s left arm appeared to be covered by a new tattoo.
13. Elyria PD IU Detectives interviewed CRUZ-GUERRERO and confronted him about providing a false identification during the investigation. CRUZ-GUERRERO stated that his true name was “Guillermo CRUZ.”
14. Records checks performed by the DTM SIU through law enforcement databases revealed the following information for CRUZ-GUERRERO. Personal identifiable information, to include FBI and State Identification (SID) numbers, located in these records checks matched the information contained from the biometric search listed in paragraph 11:
 - a. Guillermo Alexander CRUZ-GUERRERO (DOB: 11/15/1981) was identified as being associated with Alien Number (AN) 042-086-271.
 - b. CRUZ-GUERRERO was born in the Dominican Republic, and entered the United States on 03/07/1989 as a Lawfully Admitted Permanent Resident (LAPR).
 - c. CRUZ-GUERRERO was issued social security number 033-70-2221.
 - d. CRUZ-GUERRERO was associated to FBI number 947441DC8, Bureau of Prisons number (BOP) 93486-038, Massachusetts SID MA09841466, and Texas SID TX07271683.

- e. CRUZ-GUERRERO was encountered on February 17, 2015 by Immigration and Customs Enforcement (ICE) / Enforcement and Removal Operations (ERO) Officers in Atlanta, GA while he was serving a 60 month sentence for Conspiracy to Possess with Intent to Distribute Cocaine. During this encounter CRUZ-GUERRERO admitted to being a LAPR with no United States Citizenship, and advised ICE / ERO Officers that his parents were not Naturalized United States Citizens.

D. Identity Resolution for D.V.F.

15. On July 18, 2019, Elyria PD IU Detectives located and made contact via phone with a male subject in Puerto Rico with the personal identifiers of D.V.F. This subject identified himself as D.V.F. by name, date of birth, and social security number. This subject advised that he was currently residing in Puerto Rico, not Ohio, and sent a photograph of himself via email to the Elyria PD IU holding his Puerto Rico driver license (DLN: 4265187). Records checks revealed this driver license is valid under the name D.V.F.
16. On July 18, 2019, Affiant submitted a request for information to the USBP RMY SIU for any driver license information associated to the name and personal identifiers of D.V.F. The information submitted to the RMY SIU included the date of birth, social security number, and photograph associated with Ohio driver license VA590110 under D.V.F.'s name.
17. On July 22, 2018, Affiant received Puerto Rico BMV records showing the name, DOB, SSN, and photograph associated to Puerto Rico driver license under D.V.F.'s name (DLN: 4265187). The photograph, date of birth, SSN, and DLN contained in this record matched the Puerto Rico DLN, and photograph received by Elyria PD IU listed in paragraph 15. This photograph associated with this return **did not** depict CRUZ-GUERRERO.
18. Law enforcement databases revealed a valid United States Passport associated to the personal identifiers of D.V.F. The subject depicted by photograph on this United States Passport is the same subject shown in the photograph received by Elyria PD IU and depicted on Puerto Rico driver license 4265187.

E. Ohio Bureau of Motor Vehicles Certified Records:

19. On July 26, 2019, Affiant received Certified OH BMV records related to CRUZ-GUERRERO's application and receipt of Ohio driver license VA590110 under the name and personal identifiers of D.V.F. These certified records revealed the following information:
 - a. On April 26, 2019, CRUZ-GUERRERO filled out an application for an Ohio driver license at the Deputy Registrar Licensing Agency located in

Sandusky, Ohio (Agency Number 2207). This application was specifically for a conversion of an out-of-state driver license to an Ohio driver license.

- b. CRUZ-GUERRERO filled out the application under the name and personal identifiers of D.V.F to include name, date of birth, and social security number.

[Note: CRUZ-GUERRERO made an error in filling out the application as he wrote the middle name of “Daniel,” crossed that name out, and wrote “David.” The true middle name of D.V.F. is not “David.”]

- c. CRUZ-GUERRERO presented a Puerto Rico birth certificate, a social security card, Puerto Rico driver license (DLN: 2367545), and Ohio Edison utility bill for proof of identity, citizenship, and residency.

[Note: Law enforcement database revealed the Puerto Rico driver license presented by CRUZ-GUERRERO is fraudulent. Also, an image of this driver license was located on a printer roll found inside of a PVC card printer located during search warrants executed during the Elyria PD IU investigation. The Ohio Edison utility bill was also determined to be fraudulent as multiple fraudulent Ohio Edison bills bearing the same bill total and energy usage were seized by the Elyria PD IU.]

- d. CRUZ-GUERRERO listed himself as a United States Citizen on the application.
- e. CRUZ-GUERRERO signed D.V.F’s name attesting, under penalty of law, that the information contained on the driver license application, to include name, date of birth, social security number, and citizenship status was true.

F. Historical Identity Fraud – CRUZ-GUERRERO:

20. On July 22, 2019, Affiant submitted a request for information to the New England State Police Information Network (NESPIN) in regards to any driver licenses obtained by CRUZ-GUERRERO in the New England area.
21. On July 23, 2019, Affiant received a return of records from NESPIN to include the following information:
 - a. A Massachusetts driver license record (DLN: S29741973) showing a photograph and personal identifiers of CRUZ-GUERRERO. This record shows the driver license is revoked.

- b. A Rhode Island driver license record (DLN: 2998058) under the name and personal identifiers of J.V. This record shows the driver license is expired with an expiration date of 12/23/2011. The photograph contained on this driver license record is a photograph of CRUZ-GUERRERO.
- c. A New Hampshire driver license record (DLN: NHI15758609) under the name and personal identifiers of O.R.A. The photograph contained in this driver license record is a photograph of CRUZ-GUERRERO.
- d. A Massachusetts driver license record (DLN: S33743766) under the name and personal identifiers of J.L.C. This record shows the driver license is expired with an expiration date 03/11/2010. The photograph contained on this driver license record is a photograph of CRUZ-GUERRERO.

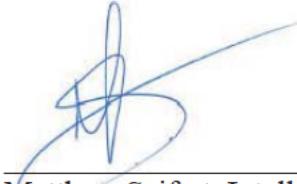
22. Open Source Intelligence (OSINT) research and record checks conducted by the DTM SIU through law enforcement databases revealed the following information regarding other driver licenses obtained by CRUZ-GUERRERO:

- a. A Maryland driver license record (DLN: B253513066770) under the name and personal identifiers of L.A.B.A. The photograph contained on this driver license record is a photograph of CRUZ-GUERRERO. A photograph of this driver license was also located on one of the six cellular device seized during the arrest of CRUZ-GUERRERO and LABRADOR-ORTIZ listed in paragraphs 10a through 10e.
- b. A Michigan driver license record (DLN: D414454108182) under the name and personal identifiers of J.D.V.T. The photograph contained on this driver license record is a photograph of CRUZ-GUERRERO.

23. Based upon the above information, there is probable cause that Guillermo Alexander CRUZ-GUERRERO has violated the following federal criminal laws:

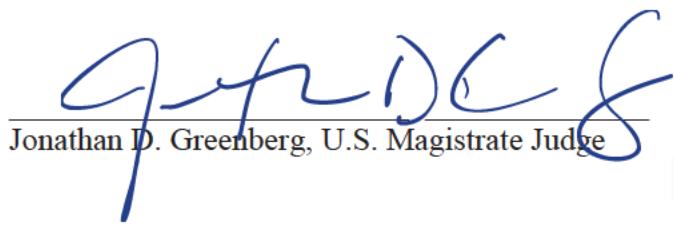
- a. False personation of a United States citizen, in violation of Title 18, United States Code, Section 911;
- b. False statement under oath in a matter relating to naturalization and citizenship in order to obtain a benefit, in violation of Title 18, United States Code, Section 1015(e);

c. Aggravated identity theft, in violation of Title 18, United States Code,
Section 1028A



Matthew Seifert, Intelligence Agent
United States Border Patrol
United States Customs and Border Protection
Department of Homeland Security

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3,
4(d), and 4.1., this 02nd day of August 2019 in Cleveland, Ohio.



Jonathan D. Greenberg, U.S. Magistrate Judge

